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U.S. DISTRICT COURT
NORTHERN DISTRICT OF OHIO
CLEVELAND, OHIO

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION**

JAMES DEAN, JR.,)	CASE NO. 1:13cv962
)	
)	JUDGE DONALD C. NUGENT
Plaintiff,)	
)	
v.)	
)	JUDGMENT
F.P. ALLEGA CONCRETE)	
CONSTRUCTION CORP.,)	
)	
Defendant.)	

The above-captioned case came before this Court for a trial by jury. At the conclusion of the trial, the Jury returned a unanimous Verdict for the Plaintiff, James Dean, Jr., on Plaintiff's claim of Fair Labor Standards Act Overtime Pay Violation.

Plaintiff brought this action against F.P. Allega Concrete Construction Corp. ("Allega") alleging claims of failure to pay overtime compensation and minimum wage in violation of the Fair Labor Standards Act and Ohio Rev. Code §§4111. 01 and 03 (Counts 1 and 2); promissory estoppel (Count 3) and unjust enrichment (Count 4).

The trial commenced on March 19, 2014. A Jury of ten was duly impaneled and sworn, and opening statements of counsel were made. Plaintiff called the following witness(es): (1) Thomas Wole; (2) Frank Allega; and (3) James Dean. Court was then adjourned until March 20, 2014 at 8:30 a.m.

The trial continued on March 20, 2014. Plaintiff called the following witnesses: (4) Clive O. Smith; and (5) Thomas Biacsi. Court was then adjourned until March 21, 2014 at 8:30 a.m.

The trial continued on March 21, 2014. Plaintiff rested. The Defendant's Motion pursuant to Fed. R. Civ. P. 50 is GRANTED as to Counts 2, 3 and 4 of Plaintiff's Complaint and ruling is reserved as to Count 1—Plaintiff's claim that Defendant failed to pay overtime compensation in violation of the Fair Labor Standards Act. The Defendant called the following witness(es): (1) James Wren; and (2) Noel Allega. Defendant rested. The Court gave preliminary instructions of law. Final arguments of counsel were made. The Court gave final instructions on the law. The Jury thereafter retired to deliberate.

The Jury, in open court, with all counsel present, returned the following unanimous Verdict:

VERDICT

We the Jury in the case, having been duly impaneled and sworn, do find the issues in this case in favor of the Plaintiff James Dean, Jr., and against Defendant on Plaintiff's claim of a Fair Labor Standards Act overtime pay violation in the amount of \$ 58.50. (insert in ink an amount of money from 0 to whatever amount the evidence requires).

The Court read the Verdict in open court, and thereafter, the Court polled the Jury. Each Juror affirmatively responded to the correctness of the Verdict. The Court accepted the Verdict and the Jury was discharged.

THEREFORE, the Court enters Judgment pursuant to Rule 58 of the Federal Rules of Civil Procedure in favor of the Plaintiff and against the Defendant in the amount of \$58.50 and additionally awards liquidated damages in the amount of \$58.50 in accordance with 29 U.S.C.

§216(b). All costs to Defendant.

IT IS SO ORDERED.


DONALD C. NUGENT
UNITED STATES DISTRICT JUDGE

DATE: March 26, 2014